

NEWPORT BEACH ZONING ADMINISTRATOR MINUTES
Community Development Conference Room - Building I
3300 Newport Boulevard
Wednesday, October 24, 2012
REGULAR HEARING
3:30 p.m.

A. CALL TO ORDER – The meeting was called to order at 3:30 p.m.

Staff Present: Brenda Wisneski, Zoning Administrator
Gregg Ramirez, Senior Planner
Fern Nueno, Associate Planner

B. MINUTES of September 12, 2012

Action: Approved

C. MINUTES of September 26, 2012

Action: Approved

D. PUBLIC HEARING ITEMS

ITEM NO. 1 Birch Heights Professional Condominiums Minor Use Permit No. UP2012-019 (PA2012-112)
20311 SW Birch Street CD 3

Gregg Ramirez, Senior Planner gave a brief presentation explaining that the request was to allow additional 10,000 square feet of medical office floor area in the Birch Heights Professional Office development in addition to the 5,000 square feet that is presently allowed by Use Permit No. UP2005-024. Specifically 5,000 square feet would be allowed on the first floor of 20811 Birch Street and 5,000 square feet could go into any other of the existing suites. He explained that the parking for the additional medical office area was provided on-site and that staff has recommended approval of the request.

The Zoning Administrator opened the public hearing.

The applicant stated they have received the conditions of approval and had no questions. One member of the public, Jim Mosher, spoke and questioned how the parking calculations were done, the difference between gross and net square feet, employee parking and sign requirements.

There were no other public comments.

The Zoning Administrator then made several changes to the resolution for approval including: inserting language into the heading stating that this use permit supersedes Use permit No. UP2005-024, adding the addresses of all the building in the office development, inserting the parking table included in the staff report under Finding B, and deleting condition of approval No. 5.

Action: Approved

ITEM NO. 2 Rogers Lot Merger - Lot Merger No. LM2012-001 (PA2012-117)
3200 Ocean Front W and 105 32nd Street CD 1

Fern Nueno, Associate Planner, provided a brief project description of the Lot Merger application and request to waive the Parcel Map requirement. Ms. Nueno stated that each lot is developed with one unit, the merged lot would remain in the R-2 Zoning District, and both dwelling units could remain. She further noted that the merger would result in a lot that is more consistent with the minimum lot area required by the Zoning Code. Ms. Nueno believed that the required findings could be made and recommended approval based on the facts within the draft resolution with two changes proposed. Ms. Nueno suggested for clarification that Condition No. 4 be removed

and Condition No. 6 be amended to read "Prior to the issuance of any building permit for construction to cross the interior lot line, recordation of the lot merger documents with the County Recorder shall be required."

The Zoning Administrator opened the public hearing.

Martin Bard, Brion Jeanette Architecture, representing the property owner, had no questions and found the draft resolution with conditions of approval acceptable. The property owner pointed out a typo in the resolution regarding the address of one of the lots.

Jim Mosher, resident, had comments and questions regarding the CEQA exemption, the status of the lots as nonconforming, the number of units allowed on each lot, the change in density, and Coastal Commission review.

Seeing that no one else from the public wished to comment, Zoning Administrator Wisneski closed the public hearing. The Zoning Administrator stated that as required, the lots as merged would be compatible with the neighborhood.

In response to Mr. Mosher's questions, Mr. Bard described the plans for future development of the site, which include demolishing the two existing units and constructing a single-family residence. He clarified that the new house would be required to obtain Coastal Commission approval.

In response to Mr. Mosher's questions and comments, Ms. Nueno stated that the current zoning for each lot is R-2, allowing two units per lot, but that based on the required development standards, constructing two units on each lot would not be feasible. She continued that once merged, the lot would be allowed to be developed with two units. She confirmed that Coastal Commission review would be required for the new structure, but not for the Lot Merger. Regarding the Class 5 exemption, Ms. Nueno reiterated that the density is not increasing and the exemption is consistent with the CEQA guidelines. Gregg Ramirez, Senior Planner clarified that the Zoning Code requires 1,000 square feet of lot area per unit. So based on the size of each lot, only one unit could be constructed on each lot, and the density would not change.

Ms. Nueno continued in response to Mr. Mosher's questions, stating that the minimum lot size and width required in the Zoning Code is for newly established lots, not existing lots. The merger would bring the property closer to conformance with code requirements and would bring the lot back to the original development from when the tract was established.

Ms. Wisneski concurred with the basis of the findings in the draft resolution with the two changes, and adopted the revised resolution.

Action: Approved

E. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

F. ADJOURNMENT

The hearing was adjourned at 3:50 p.m.

The agenda for the Regular Hearing was posted on October 18, 2012, at 3:40 p.m. on the City Hall Bulletin Board located outside of the City of Newport Beach Administration Building and on the City's website on October 18, 2012, at 3:55 p.m.

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Brenda Wisneski, AICP, Zoning Administrator